THE AMERICAN UNIVERSITY LAW REVIEW

INDEX TO VOLUME 47

ARTICLES

BEATING THE PRISONER AT PRISONER'S DILEMMA: THE EVIDENTIARY VALUE OF A WITNESS'S REFUSAL TO TESTIFY, *Russell Dean Covey* 105

THE BURDENS OF QUALIFIED IMMUNITY: SUMMARY JUDGMENT AND THE ROLE OF FACTS IN CONSTITUTIONAL TORT LAW, *Alan K. Chen* 1

THE CONTINUING VALIDITY OF DISPARATE IMPACT ANALYSIS FOR FEDERAL-SECTOR AGE DISCRIMINATION CLAIMS, *Keith R. Fentonmiller* 1071

COST RESPONSIBILITY OR REGULATORY INDULGENCE FOR ELECTRICITY'S STRANDED COSTS?, *John Burritt McArthur* 775

THE DEATH KNELL FOR SCHOOL EXPULSION: THE 1997 AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, *Theresa J. Bryant* 487

ENVIRONMENTAL JUSTICE: BRIDGING THE GAP BETWEEN ENVIRONMENTAL LAWS AND "JUSTICE", *Alice Kaswan* 221

THE FOUNDING OF THE WASHINGTON COLLEGE OF LAW: THE FIRST LAW SCHOOL ESTABLISHED BY WOMEN FOR WOMEN, *Mary L. Clark* 613

IDENTIFYING THE ENEMY IN THE WAR OF DRUGS: A CRITIQUE OF THE DEVELOPING RULE PERMITTING VISUAL IDENTIFICATION OF INDESCRIPT WHITE POWDER IN NARCOTICS PROSECUTIONS, *Michael D. Blanchard, Gabriel J. Chin* 557

INSURANCE CONTRACTS AND JUDICIAL DISCORD OVER WHETHER LIABILITY INSURERS MUST DEFEND INSURED'S ALLEGEDLY INTENTIONAL AND IMMORAL CONDUCT: A HISTORICAL AND EMPIRICAL REVIEW OF FEDERAL AND STATE COURTS' DECLARATORY JUDGMENTS—1900-1997, *Willy E. Rice* 1131

NATURAL LAW, ARTICLE IV, AND SECTION ONE OF THE FOURTEENTH AMENDMENT, *Douglas G. Smith* 351

SAME-SEX SEXUAL HARASSMENT CLAIMS AFTER *ONCALE*: DEFINING THE BOUNDARIES OF ACTIONABLE CONDUCT, *Richard F. Storrow* 677

SECTION 1500 AND THE JURISDICTIONAL PITFALLS OF FEDERAL GOVERNMENT LITIGATION, *Paul Frederic Kirgis* 301

VIGILANTISM REVISITED: AN ECONOMIC ANALYSIS OF THE LAW OF EXTRA-JUDICIAL SELF-HELP OR WHY CAN'T DICK SHOOT HENRY FOR STEALING JANE'S TRUCK?, *Kelly D. Hine* 1221

COMMENTS

THE EUROPEAN COMMISSION'S DECISION ON THE BOEING-MCDONNELL DOUGLAS MERGER AND THE NEED FOR GREATER U.S.-EU COOPERATION IN THE MERGER FIELD, *Amy Ann Karpel* 1029

HANGING UP ON CONSUMERS: WHY THE FCC CANNOT STOP SLAMMING IN THE NEW TELECOMMUNICATIONS MARKET, *Christopher R. Day* 421

SEX-BASED DISCRIMINATION IN U.S. IMMIGRATION LAW: THE HIGH COURT'S LOST OPPPORTUNITY TO BRIDGE THE GAP BETWEEN WHAT WE SAY AND WHAT WE DO, *Debra L. Satinoff* 1353

THE SCOPE OF ELEVENTH AMENDMENT IMMUNITY FROM SUITS ARISING UNDER PATENT LAW AFTER *SEMINOLE TRIBE V. FLORIDA*, *Kristen Healey* 1735

TOUGH LOVE IN THE DISTRICT: MANAGEMENT REFORM UNDER THE DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT, *Stephen R. Cook* 993
TOWARD DISPASSIONATE, EFFECTIVE CONTROL OF SEXUAL OFFENDERS, *Carol L. Kunz*..... 453
THE UNNECESSARY DEMISE OF THE LINE ITEM VETO ACT: THE CLINTON AMINISTRATION'S COSTLY FAILURE TO SEEK ACKNOWLEDGEMENT OF "NATIONAL SECURITY RECISSION", *Roy E. Brownell II* 1273
WAGGING THE DOG—IF THE STATE OF HAWAII ACCEPTS SAME-SEX MARRIAGE WILL OTHER STATES HAVE TO?: AN EXAMINATION OF CONFLICT OF LAWS AND ESCAPE DEVICES, *Rebecca S. Paige* 165

NOTES

IN RE EXTRADITION OF LUI KIN-HONG: EXAMINING THE EFFECTS OF HONG KONG'S REVERSION TO THE PEOPLE'S REPUBLIC OF CHINA ON UNITED STATES-UNITED KINGDOM TREATY OBLIGATIONS, *Jonathan A. DeMella* 187
THE PARTY EXPENDITURE PROVISION'S NEAR DEATH EXPERIENCE: *COLORADO REPUBLICAN FEDERAL CAMPAIGN COMMITTEE V. FEDERAL ELECTION COMMISSION*, *Robert M. Knop* ... 963

COLLOQUIUM

LEGAL EDUCATION THEN AND NOW: CHANGING PATTERNS IN LEGAL TRAINING AND IN THE RELATIONSHIP OF LAW SCHOOLS TO THE WORLD AROUND THEM, *Bob Gordon, James May, Jack Schlegel, Joan Williams* 747

ESSAYS

FROM GEORGE CARLIN TO MATT DRUDGE: THE CONSTITUTIONAL IMPLICATIONS OF BRINGING THE PAPARAZZI TO AMERICA, *Lyle Denniston* 1255
FOSTERING BALANCE ON THE FEDERAL COURTS, *Carl Tobias* 935
WHAT DO WOMEN WANT: FEMINISM AND THE PROGRESSIVE INCOME TAX, *Marjorie E. Kornhauser* 151

A REVIEW OF RECENT DECISIONS OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

AREA SUMMARIES

SURVEY OF GOVERNMENT CONTRACT CASES IN THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT: 1997 IN REVIEW, *Lionel M. Lavenue* 1393
1997 SURVEY OF TRADEMARK DECISIONS BY THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT, *Julia Anne Matheson, Douglas A. Rettew* 1491

ARTICLES

PAST PERFORMANCE AS AN EVALUATION FACTOR IN PUBLIC CONTRACT SOURCE SELECTION, *William W. Goodrich, Jr.* 1539
CONCURRENT TRIBAL AND STATE JURISDICTION UNDER PUBLIC LAW 280, *Vanessa J. Jiménez, Soo C. Song* 1627
ALTERNATIVE DISPUTE RESOLUTION IN COMMERCIAL INTELLECTUAL PROPERTY DISPUTES, *Scott H. Blackman, Rebecca M. McNeill* 1709